1947. K **File No.** B Harijans/47

Legal **DEPARTMENT** ff 4 & 11

B – **BRANCH**

DNR 24/5

Subject:— A Bill to provide for the removal of certain disabilities of Harijans

P 38 E

L.A. Bill No. ~~XXV~~ of 1946.

Bom. Act. No. X of 1947.

File No. B. Harijans/47.

Std. Sectt. Slip 24 B e.

Parts. I & II

565-B.

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H.R.D.
16-5-56
CS

Office of the R.L.A.

A revised draft Bill is sent herewith.

2. There is no specific entry under which the subject-matter of the Bill could fall. It may, however, be held to fall under entries Nos. 33,34 and 37 in the Provincial Legislative List and entries Nos. 1,2,4,5,9, and 14, in Part I in the Concurrent Legislative List.

3. The Bill will have to be reserved for consideration of the Governor General under section 107 (2) of the Government of India Act, 1935, as it contains provisions repugnant to the provisions of existing Indian law, namely, the code of Civil Procedure, 1908.

4. The Bill requires the sanction of the Governor under Section 299(3). It does not require his recommendation but may affect his special responsibility under section 52(1)(b).

5. C.P. will no doubt prescribe the enhanced penalities in clause 7 of the Bill and prepare the necessary S.O.R.

Sd/- P.N.T.
17-8-46

Remembrancer of Legal Affairs.

U.R.D.
15-8-46
S.S

U.R. to C.P. No. 387-P, dated the 17th August 1946.

Office of the R.L.A.

The draft Bill has been revised in the light of the suggestions made by Secretary, General Department in his note dated 24th June 1946. A revised draft of the Bill together wil the statement of Objects and Reasons is sent herewith.

Sd/. P.N.M.

Remembrancer of Legal Affairs.

M.R.D.-
15-5-56
C.4

U.R. to G.D. No. 536—L ,dated the 26th August 1946 .

Office of the R.L.A.

The draft Bill has been revised in the light of the suggestions made by Secretary, General Department in his note dated 24th June 1946. A revised draft of the Bill together wil the statement of Objects and Reasons is sent herewith.

Sgd. P.N.M.

Remembrancer of Legal Affairs.

U.R. to G.D. No. 536—L ,dated the 26th August 1946 .

M.R.D.—
15-5-56
C.4

Office of the H.L.A.

The amendments suggested by the H.L.A. to the Bombay Harijan (Removal of social Disabilities) Bill, 1946, have been carried out with a few exceptions exceptions. The amendments which have not been carried out are:-

(a) addition of a new sub-clause(g)in clause 2 so as to include clubs, canteens, and access to the weaving department to the spinning and weaving mills in the Province.

(b) in clause 3(b)(v) deletion of the words "but not for the benefit of any particular section or class thereof"

(c) in clause 3(b) addition of a provision giving right to a Harijan to get Any house, tenement plot on hire".

The amendments proposed above are not legally feasible. The first amendment refers to clubs, canteens etc. to which even the Hindus in general have no right of access under any law. The effect of the second amendment would be to give the Harijan a right of access to places set apart or maintained for any particular section of the Hindu community to which Hindus in general have not right of accesss. The third amendment is also open to objection. Nobody has a right to obtain on hire any house or tenement and it would not be legally feasible to give such right to a Harijan merely on the ground that he is a Harijan.

As regards the amendments suggested by Mrs. Munshi the object of her first amendment regarding treatment of Harijans as untouchables is carried out by the the new clause 3A against discrimination. As regards the second amendment regarding right and privileges, attention is invited to section 298 of the Government of India Act, 1935. Under sub-section (1) of that section no subject of His Majesty domiciled in India is on grounds only of religion, place of birth descent, colour or any of them is ineligible for office under the Crown in India or is prohibited on any such grounds from acquiring, holding or disposing of property or carrying on any occupation, trade, business or profession in British India. In view of this provision and the provisions of clause 3 of the the Bill Mr. Munshi's second amendment would it seems be superfluous.

Sd/- P.N.M.

Remembrancer of Legal Affairs.

H.R.D.
15-3-46
C.A.

Local Department.

The copy of the Bill at pages 3 to 6 ante as corrected is in order.

2. Since the amendment made by the Bombay Legislative Council in clause 7 of the Bill has to be concurred in by the Bombay Legislative Assembly, it would not be correct to refer to the Bill in the long title as " An Act to provide etc. "The words 'A Bill' have therefore been retained in the long title.

3. Since under rule 105 of the Bombay Legislative Assembly Rules and 104 of the Bombay Legislative Council Rules the authentic copy of a Bill would contain the signature of the Speaker or the President, as the case may be, it would be necessary to mention in the second heading below the long title whether the council has passed a Bill with or without amendment The second heading in the copy of the Bill at page 3 ante has therefore been suitably amended.

4. It is also pointed out that after the amendment made by the Bombay Legislative Council in the Bill has been agreed to by the Bombay Legislat Assembly, a third heading below the long title to the effect that amendm made by the Bombay Legislative Council has been agreed to by the Bombay Legislative Assembly on..... 1946

Sd/-
20-11
for Secretary to Government.

U.O. to L.A. Office No. 8258 ,dated the 21st November 1946

H.R.D.

15-5-56
C.S

No. 2053 -17
Bombay Castle, 1st March 1947.

From

D.V.Vyas, Esquire, I.C.S.,
Secretary to the Government of Bombay,

To

The Secretary to the Governor of Bombay.

Subject:- A Bill to provide for the removal of the social disabilities of Harijans.

Sir,

With reference to section 75 of the Government of India Act, 1935, I am directed to forward herewith for being presented to His Excellency the Governor, an authentic copy of a Bill to provide for the removal of the social disabilities of Harijans, which was read for the third time and passed at the meetings of the Bombay Legislative Assembly and the Bombay Legislative Council held on the 2nd October 1946 and the 11th November 1946, respectively. The amendment made by the Bombay Legislative Council in the Bill was agreed to by the Bombay Legislative Assembly on the 10th February 1947.

2. The Bill affects the special responsibility of the Governor under section 52(1)(b) of the Government of India Act. 1935. None of the provisions of the Bill falls within the purview of clause (a),(b),(c)or (d) of paragraph XVII of the Instrument of Instructions to the Governor of Bombay.

3. There is no specific entry under which the subject-matter of the Bill would fall. It may, however, be held to fallunder entries Nos. 33, and 37 in the Provincial Legislative List and

M.R.D.
15-3-46
C.4

and entires Nos. 1,2,4,5,9, and 14 in part I in the concurrent Legislative List in the Seventh Schedule to the Government of India Act, 1935.

4. As the provisions of the Bill are repugnant to the provisions of existin India law, namely, the Code of Civil Procedure, 1908, it will be necessary to reserve the Bill for the consideration of the Governor General with reference to section 107(2)of the Government of India Act, 1935.

5. I am also to forward herewith six copies of

1. Bill as introduced in the Bombay Legislative Assembly with the statement of objects and reasons.	each
2. Bill as read for the third time and passed by the Bombay Legislative Assembly and as introduced in the Bombay Legislative Council.	of the
3. Bill as read for the third time and passed by the Bombay Legislative Council.	items Nos.
4. Extracts from the proceedings of the Bombay Legislative Assembly dated the 25th September 1946, 2nd October 1946 and 10th February 1947 and of the Bombay Legislative Council dated the 11th November 1946.	1 to 3 and two

copies of item No. 4 of the papers noted in the margin. The Bill was not referred to a Select Committee.

I have the honour to be,
Sir,
Your most obdient Servant.

Sd/-

Secretary to Government.

Through the Secretary to the Government of Bombay.
General Department.

M.R.D.
15-5-50
C.4

No. G.S. 795
Office of the Governor's Secretary,
Government House,
Bombay, 12th March 1947.

From,
D. Symington, Esquire, C.I.E., I.C.S.,
Secretary to the Governor of Bombay

To
The Secretary to the Bombay Legislative Council/Assembly.

Subject:- The Bombay Harijan (Removal of Social Disabilities) Bill, 1946.

Sir,

With reference to the above Bill, which was read for the third time and passed at the meetings of the Bombay Legislative Assembly and the Bombay Legislative Council on the 2nd October and 11th November 1946 respectively, I am directed to state, for the information of the Hon'ble the President Speaker that as the provisions of the Bill are repugnant to the provisions of the Code of Civil Procedure, 1908, which is an existing Indian Law, it will be necessary to reserve it for the consideration of His Excellency the Governor-General with reference to section 107(2) of the Government of India Act, 1935. His Excellency the Governor is accordingly pleased, under section 75 of the Act, to declare that he reserves the Bill for the consideration of the Governor-General.

Your obdient servant,

Sd/- D.Symington.

Secretary to the Governor of Bombay.

No. G.S. 795
Office of the Governor's Secretary,
Government House,
Bombay, 12th March 1947.

Copy forwarded with compliments to :-

The Secretary to Government, Legal Department, with reference to his letter No.2053, dated the 1st March 1947.

The Secretary to Government, General Department, with reference to his endorsement No. 3217/33-J, dated the 6th March 1947.

By order of the Governor of Bombay,

Sd/-

Secretary to the Governor of Bombay.

M.R.D.-
15-3-47
C.A

/5

No. G.S. 1186
Office of the Governor's Secretary,
Government House,
Bombay, 10th April 1947.

From,

D. Symington, Esquire, C.I.E., I.C.S.,
Secretary to the Governor of Bombay.

To

The Secretary to Government,
Legal Department.

Subject:- The Bombay Harijan (Removal of Social Disabilities) Bill, 1946.

Sir,

With reference to your letter No. 2053 of the 1st of March, forwarding for the assent of His Excellency the Governor-General, an authentic copy of the Bombay Harijan (Removal of Social Disabilities)Bill, 1946, I am directed to inform you that intimation has been received from the Secretary to the Governor-General(Public) that His His Excellency the the Governor-General has assented to the above Bill on Tuesday the 8th April 1947.

Your obedient servant,

Sd/-

Secretary to the Governor of Bombay.

H.R.D.
16-5-46
C.4

No. G.S. 1249
Office of the Governor's Secretary,
Government House,
Bombay, 15th April 1947.

From,

L.C. Bagshawe, Esquire, I.C.S.,
Assistant Secretary to the Governor
of Bombay.

To

The Secretary to Government,
Legal Department.

Subject:- The Bombay Harijan (Removal of
Social Disabilities)Bill, 1946.

Sir,

With reference to the correspondence resting with this office letter No. G.S. 1138 of the 10th of April, on the above subject, I am to forward herewith the authentic copy of the Bombay Harijan(Removal of Social Disabilities) Bill, 1946, with His Excellency the Governor-General's assent signified thereon.

Your obedient servant,

Sd/-

Assistant Secretary to the Governor of Bombay.

P.R.O.
16-3-56
C.4

BILLS.

A Bill to provide for the removal of
Certain social disabilities of Harijans.

GOVERNMENT OF BOMBAY.
Legal Department.
Resolution No. 512-P
Council Hall, Poona, 12th September 1946.

Memorandum from the General Department No. 3217-16237-L, dated the 12th September 1946.- Transferring for necessary action, the papers relating to a Bill to provide for the removal of certain social disabilities of Harijans.

RESOLUTION.- The Bill with the Statement of Objects and Reasons should be forwarded to the Manager, Government Central Press, Bombay, for publication in the Bombay Government Gazette, dated the 13th September 1946, as Bill No XXV of 1946.

2. The Bill and the Statement of Objects and Reasons should be translated into Marathi, Gujarati, Kannada and Hindustani(in Urdu and Devanagari scripts) and the translations should be published in the Bombay Government Gazette, on the 16th September 1946.

3. The dates of the various publications should be reported to the Secretary to the Bombay Legislative Assembly.

By order of the Governor of Bombay,

Sd/-
S.L. CHAUDHARI,

Assistant Secretary to the Government of Bombay,

Legal Department.

To

The Manager, Government Central Press, Bombay(with the Bill and S.O.R. and with a request that 230 Gazette copied of the Bill and S.O.R. may be forwarded to the Secretary to the Bombay Legislative Assembly for distribution to the Members of the Bombay Legislative Assembly and 25 copies for the use of the Legal Department).

The General Department,
*The Oriental Translator ot Government,
The Secretary to the Bombay Legislative Assembly.
The Director of Information.
} with a copy of the Bill and S.O.R.

*With five extra copies of the Bill.

M.R.D. -
16-5-56
C.4

Acts.
Publication of the Bombay, Harijan(Removal of Social Disabilities) Act, 1946.

GOVERNMENT OF BOMBAY.
Legal Department
Resolution No. 3556
Bombay Castle, 12th April 1947.

Letter to the Secretary to the Governor, No. 2053, Dated the 1st March 1947.

Letter from the Secretary to the Governor, No. G.S. 1186, Dated the 10th April 1947:

"With reference to your letter No. 2053 of the 1st of March forwarding, for the ascent of His Excellency the Governor-General, an authentic copy of the Bombay Harijan(Removal of Social Disabilites) Bill 1946, I am directed to inform you that intimation has been received from the Secretary to the Governor-General has (Public) that His Excellency the Governor-General has assented to the above Bill on Tuesday the 8th April 1947."

RESOLUTION:- The law should be published as bombay Act No X of 1947 in the Bombay Government Gazette, dated the 12th April 1947.

2. The Act should be translated into Marathi, Gujarati, Kannada and Hindustani(in Urdu and Devnagari scripts) and the translations should be published in the Bombay Government Gazette.

3. A copy of the Act should be fowarded to the General Department with reference to the Memorandum form that Department No.3237- 16237-XX dated the 12th September 1946,

By order of the Governor of Bombay,

Sd/-
D.V. VYAS,
Secretary to Government.

To

The Manager, Government Central Press, Bombay (with a copy of the Act and with a request that 15 Gazette copies of the Act may be forwarded to the Legal Department),
The General Department,
"The Oriental Translator to Government,
The Secretary to the Bombay Legislative Council,
The Secretary to the Bombay Legislative Assembly,
The Director of Publicity, Bombay,
} with a copy of the Act.

"With 5 extra copies of the Act.

M.R.D.
16-3-56
C.4

SK/30/5

SK/30/5

L. A. BILL NO. XXV OF 1946 (A BILL TO PROVIDE FOR THE REMOVAL OF CERTAIN SOCIAL DISABILITIES OF HARIJANS.)

Second reading.

Mr. G. D. TAPASE (Minister for Backward Class Department) : Sir, I beg to move that L. A. Bill No. XXV of 1946 (A Bill to provide for the removal of certain social disabilities of Harijans) be read a second time.

Question put, and agreed to.

Bill read clause by clause.

Clause 2. (*Definitions*)—

In this Act, unless there is anything repugnant in the subject or context,—

"(*a*) * * * (*e*)."

Mr. D. N. WANDREKAR (Parliamentary Secretary) : Sir, I beg to move—

In clause 2, after sub-clause (*e*), insert the following sub-clause :—

"(*f*) 'shop' means any premises where goods are sold either retail or wholesale or both and includes a laundry, a hair cutting saloon or such other place where services are rendered to customers."

Question proposed.

Mr. D. N. WANDREKAR : Sir, during the course of the debate on the first reading of this Bill certain suggestions were made, and one of the suggestions was that the Bill should provide for throwing open all shops to the Harijans. In response to this suggestion, I have moved this amendment. This amendment merely defines what " shop " means. According to this amendment, " shop " means any premises where goods are sold either retail or wholesale or both ; the second part of the amendment suggests that places where services are rendered to the customers should also be included in the definition of the term " shop ".

Mr. G. D. TAPASE : Sir, I accept the amendment.

Amendment put, and agreed to.

Clause 2, as amended, ordered to stand part of the Bill.

Clause 3 (*Rights of Harijans*).—

Notwithstanding anything contained in any instrument or any law, custom or usage to the contrary, no Harijan shall merely on the ground that he is a Harijan—

(*a*) be ineligible for office under any authority constituted under any law ; or

(*b*) be prevented from—

(*i*) having access to or using any river, stream, well, tank, cistern, water-tap or other watering place, any sanitary convenience, any road or pathway which the members of all other castes and classes of Hindus have a right to use or have access to ;

(*ii*) having access to or using any public conveyance licensed by the Provincial Government or any local authority to ply for hire ;

(*iii*) having access to or using any building or place used for charitable or public purposes maintained wholly or partially out of the revenues of the Province or the funds of a local authority ;

(*iv*) having access to or using a place of public amusement or a place of public entertainment licensed under the provisions of any law for the time being in force, or any place set apart or maintained for the use of Hindus generally but not for the use of any particular section of class thereof ;

(*v*) enjoying any benefit under a charitable trust created for the benefit of Hindus generally but not for the benefit of any particular section or class thereof.

Mr. D. N. WANDREKAR : Sir, I beg to move—

In clause 3—

(*i*) in sub-clause (*b*) (*i*) after the word "stream" add the word "spring" and after the word "watering place" add the words "or any bathing place, burial or cremation ground" ;

(*ii*) for sub-clauses (*iv*) and (*v*) substitute the following :—

"(*iv*) having access to a place of public amusement or a place of public entertainment ;

(*v*) having access to a shop to which the members of all other castes and classes of Hindus are ordinarily admitted ;

(*vi*) having access to or using any place set apart or maintained for the use of Hindus generally but not for the use of any particular section or class thereof ;

(*vii*) enjoying any benefit under a charitable trust created for the benefit of Hindus generally but not for the benefit of any particular section or class thereof."

Question proposed.

Mr. D. N. WANDREKAR : In the first part of my amendment, some more places which can be classed as public places have been mentioned. The amendment is meant only for the purpose of specifying certain places which were missing from the original draft of the Bill. By the second part of the amendment, two sub-clauses have been deleted and four new sub-clauses have been substituted in their place. In the original Bill in clause 3 (*iv*) the words used were "having access to or using a place of public amusement or a place of public entertainment licensed under the provisions of any law". By my amendment the words "licensed under the provisions" have been deleted and all places of public amusement and public entertainment whether licensed or not are sought to be thrown open to the Harijans. Shops also have been included by the amendment. That is all I have to say about this amendment.

Mr. MIRZA AKHTAR HASAN : I do not want to speak on the amendment as such, but I want to mention one or two small points. Places of public amusement and entertainment have been defined in section 3 of the City of Bombay Police Act. I do not understand what purpose would be served either by limiting or increasing

[Mr. Mirza Akhtar Hasan]

the advantages provided by that section. There are shows of various kinds organised by private people. For example, there may be a music party organised privately. This will not be a place of public amusement under section 3 of the City of Bombay Police Act, and, on that ground, admission may be refused to any man. Therefore, by taking away the definition of places of public amusement and entertainment which are licensed as such under the City of Bombay Police Act, I do not think we will carry our objective any further.

My second point is : I find that the places which are thrown open to the Harijans are those to which Hindus generally have access, but they do not cover places which are specifically assigned for particular sections. For example, there may be public places set apart specifically for Brahmins, etc. Therefore, if people want to defeat the provisions of this Bill, there is a loophole in it. That is what I honestly feel about it, but if the Hon. Minister is satisfied that the objective will be achieved by the amendment, it is his responsibility, and I would have no objection to it.

Mr. D. N. WANDREKAR : As regards the first point of the hon. Member, I may draw his attention to the definition of "place of public amusement" and "place of public entertainment" given in the Bill.

"'Place of public amusement' means any place, enclosure, building, tent, booth or other erection, whether permanent or temporary, where music, singing, dancing or any diversion or game, or the means of carrying on the same, is provided and to which the public are admitted either on payment of money, or with the intention that money may be collected from those admitted."

The definition of "place of public entertainment" is also on more or less the same lines. From the definition it is clear that such places are open to the public who are ready to pay for the benefits which they enjoy.

With regard to the second point of the hon. Member, I may mention that the object of the Bill is that admission to a Harijan should not be refused to any place which is open to Hindus generally. If there is a Trust benefit under which is reserved specifically for a particular section or community, then, obviously no other section or community, whether they are Harijans or others, can have the enjoyment of that benefit. So, what is sought to be given to the Harijans is rights which are enjoyed by Hindus generally.

Mr. G. D. TAPASE : I accept the amendment.

Amendment put, and agreed to.

Clause 3, as amended, ordered to stand part of the Bill.

The Hon. the SPEAKER : There is another amendment tabled by the hon. Member Mr. Wandrekar for the insertion of a new clause after clause 3. That may be moved now.

Mr. D. N. WANDREKAR : Sir, I beg to move—

After clause 3 insert the following :—

"3A. *Discrimination against Harijan prohibited.* No person in charge of any of the places referred to in sub-clauses (*i*), (*iii*), (*iv*), (*v*) and (*vi*) or any conveyance referred to in sub-clause (*ii*) of clause (*b*) of section 3 shall impose any restriction on a Harijan or act in a manner as to result in discrimination against him merely on the ground that he is a Harijan."

Question proposed.

Mr. D. N. WANDREKAR : The object of this amendment is to prevent discrimination against Harijans. Although certain rights are given to the Harijans under clause 3, it is likely that they may be discriminated against. It is in order to prevent such discrimination that the new clause has been proposed.

Mr. G. D. TAPASE : I accept the amendment.

Amendment put, and agreed to.

Clause 4 (*Courts not to recognise any custom or usage imposing disability on Harijans*) ordered to stand part of the Bill.

Clause 5 (*Local authorities not to recognise any custom or usage imposing disability on Harijans*) ordered to stand part of the Bill.

Clause 6 (*Penalties*)—

Whoever prevents any person, by reason of his being a Harijan, from having access to or using any of the places referred to in sub-clauses (*i*), (*iii*) and (*iv*), or any conveyance referred to in sub-clause (*ii*), of clause (*b*) of section 3 or from enjoying any benefit under a charitable trust referred to in sub-clause (*v*) of clause (*b*) of the said section or abets the prevention thereof shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to Rs. 200 or with both.

The Hon. the SPEAKER : There is an amendment to clause 6 tabled by the hon. Member Mr. Wandrekar. He may move it.

Mr. D. N. WANDREKAR : Sir, I beg to move

For clause 6 substitute the following :

"6. *Penalties.* Whoever—

(*a*) prevents any person, by reason of his being a Harijan, from having access to or using any of the places referred to in sub-clauses (*i*), (*iii*), (*iv*), (*v*) and (*vi*), or any conveyance referred to in sub-clause (*ii*) of clause (*b*) of section 3 or from enjoying any benefit under a charitable trust referred to in sub-clause (*vii*) of clause (*b*) of the said section or abets the prevention thereof; or

(*b*) imposes any restriction on a Harijan or acts in a manner as to result in discrimination against him by reason of his being a Harijan or abets any person to impose such restriction or to act in such manner,

shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to Rs. 200 or with both."

Question proposed.

Mr. D. N. WANDREKAR : Sir, clause 6(*a*) provides penalty for breach of clause 3, while clause 6(*b*) provides penalty for breach of clause 3A.

Mr. G. D. TAPASE : Sir, I accept the amendment.

Mr. S. T. MORE (West Khandesh East) : Mr. Speaker, Sir, I find some difficulty in accepting clause 6 (*b*) as at present worded. It reads "Whoever imposes any restriction on a Harijan or acts in a manner as to result in discrimination against him by reason of his being a Harijan", etc. My difficulty is that whereas under clause 6 (*a*) there is a specific mention that "Whoever prevents any person, by reason of his being a Harijan, from having access to or using any of the places referred to in sub-clauses (*i*), (*iii*), (*iv*), (*v*) and (*vi*)" etc., clause 6 (*b*) makes no such specific mention. Hence the difficulty arises as to for what breach or breaches

[Mr. S. T. More]

the penalty under clause 6 (*b*) is provided. Clause 6 (*a*) clearly mentions specific actions for which penalty is provided, but that is not the case under clause 6 (*b*), and, therefore, the provision seems to be too wide and vague. Therefore, I suggest that it should be made clear as to when clause 6 (*b*) will come into operation. Government should make it clear that for contravention of such and such provisions clause 6 (*b*) will apply, so that there will be no room for doubt.

Mr. D[illegible]KERRAO N. DESAI (Minister for Law): Mr. Speaker, Sir, it appears that there is some misconception in the mind of the hon. Member Mr. More. So far as clause 6 (*a*) is concerned, it deals with specific cases mentioned in the clause itself and clause 6 (*b*) provides for all those cases which are not specifically mentioned but which might arise in the ordinary course of human relations between the Harijans and other communities. For cases mentioned under clause 3A the provision is there in clause 6 (*a*), and clause 6 (*b*) is a general clause which deals with any discriminatory treatment outside the scope of clause 3A. Thus, penalty is provided under clause 6 (*b*) for all those cases which are not covered under clause 6 (*a*). Clause 6 (*b*) widens the scope of the Act and covers all acts not mentioned in the Act. I, therefore, think that there is neither vagueness nor any difficulty about the interpretation of clause 6 (*b*).

The Hon. the SPEAKER : Has the hon. Member Mr. Wandrekar to say anything ?

Mr. D. N. WANDREKAR : No, Sir.

Amendment put, and agreed to.

Clause 6, as amended, ordered to stand part of the Bill.

Clause 7 (*Enhanced penalty in certain cases after previous conviction*) ordered to stand part of the Bill.

Clause 8 (*Offences under Act cognizable*) ordered to stand part of the Bill.

Clause 9 (*Saving*) ordered to stand part of the Bill.

Clause 10 (*Rules*) ordered to stand part of the Bill.

Title and Preamble—

A Bill provide for the removal of certain social disabilities of Harijans.

WHEREAS it is expendient to provide for the removal of certain social disabilities of Harijans ; it is hereby enacted as follows :—

The Hon. the SPEAKER : There is one amendment to the title of the Bill. The amendment stands in the name of the hon. Member Mr. Wandrekar. He may move it.

Mr. D. N. WANDREKAR : Sir, I move :

1-30 p. m.

In the title and the preamble delete the word " certain " and substitute the word " the ".

Question proposed.

Mr. D. N. WANDREKAR : Sir, in view of the fact that many more rights have been added, the word " certain " which may mean a few, has now been tried to be substituted by the word " the ".

Mr. G. D. TAPASE : Sir, I accept the amendment.

Amendment put, and agreed to.

The Hon. the SPEAKER : The whole clause 1 and the preamble are before the House for consideration.

Clause 1 and the preamble, as amended, ordered to stand part of the Bill.

Third reading

Mr. G. D. TAPASE : Sir, I beg to move that L. A. Bill No. XXV of 1946 (A Bill to provide for the removal of the social disabilities of Harijans), as amended, be read a third time and passed.

Question proposed.

The Hon. the SPEAKER : There is one consequential amendment, which stands in the name of the hon. Member Mr. Wandrekar. He may move it.

Mr. D. N. WANDREKAR : Sir, I beg to move :

Clauses 3A to 10 shall be re-numbered as clauses 4 to 11 respectively.

There is also another similar amendment which I wish to move. That is :

In clause 6, as so renumbered, for the figure "4" substitute the figure "5".

Amendments put, and agreed to.

Mr. B. G. KHER (Prime Minister) : Sir, I wholeheartedly support the third reading of the Bill, and think that it will not be out of place to make a few remarks. This Bill has a history. On the last day of office of the first Congress Ministry we had brought a Bill to remove certain disabilities of Harijans. Its provisions were not quite so wide as the provisions of this Bill are. We had hoped to pass it before we resigned our office, but the group which then represented the Scheduled Classes, led by the hon. Member Dr. Ambedkar, opposed it, and as we had no time and as it was in their power to make speeches and obstruct the passage of the Bill, we had to withdraw that Bill, and the Bill was not passed into law. Seven years after that, we have now brought a Bill which goes very much further. In fact, it is no exaggeration to say that if legislation is going to abolish untouchability from the midst of the Hindu community, this Bill has done all that it could in that regard. As hon. Members must have seen, at all places where any other Hindus have access, this Bill provides that the Harijans shall not be discriminated against. It has also imposed a penalty and made it an offence to recognise untouchability either as a law or as a custom.

At the same time, it must be admitted that social reforms are not brought about merely by passing laws. Take the question of the prevention of early marriages. What is now known as the Sarda Act has been on the statute book for a number of years, but it is well-known that even now a large number of child marriages, which of course it is the object of that legislation to prevent, take place. Take the question of widow remarriage. It is nearly three quarters of a century since restrictions on the marriage of a widow were removed by law, and yet amongst a large section of the Hindus of the higher classes widow remarriage is still looked upon with great disfavour. We have already passed another Bill in this session for bringing about social reform in the direction of monogamy. We have passed the Monogamy Act, and today, which for a large number of members of this House, is a particularly auspicious day, being the birthday of one of the greatest men in India, Mahatma Gandhi—

Mr. C. B. COCKAINE: In the world. [*Hear, hear* !].

Mr. B. G. KHER: Yes, in the world; I accept the amendment. I was being modest. We thought that a reform which was dear to his heart, because he looks upon all humanity as his kith and kin, could well be initiated on a day like this. We all know that the removal of untouchability, not on any political grounds but even on grounds of social justice, has been a plank in our platform for the last several years. There is a class of people who want to abolish untouchability because they say they do not want the so-called untouchables to go away from the fold of the Hindus, as their number will diminish. That has not been the political objective of our Party in trying to remove untouchability. Regardless of any question of numbers we think that in this age of true democracy it is really a disgrace to look upon any human being as unworthy of being touched or associated with merely on the ground of his birth. Therefore, even as a genuine devout Hindu, Mahatma Gandhi declared that if untouchability is to live Hinduism must perish, and if Hinduism is to survive untouchability must be driven away. We have tried by means of propaganda on the platform and in the Press to attack this evil custom of untouchability. To my great regret, I must admit that we have not yet achieved that measure of success which we had hoped for and which Mahatma Gandhi has been trying to achieve for all these years. It is well known that he brought up a young girl of the Harijan community as his own daughter. It is well known that he has preached, and suffered for preaching, that even in the most orthodox of quarters they should not countenance untouchability in any shape or form. He calls it a sin, a stain, a disgrace, a blot, on the tenets of any religion, and certainly of Hinduism. We thought, therefore, that as far as it lay in our power to remove untouchability by legislation we would achieve that object without any delay. That is what we had promised. And, Sir, it will be readily admitted that this is a progressive measure, a sincere measure, which is calculated to remove untouchability from the fold of Hindu society. I am very glad that this Bill is not opposed by any section of the House.

Sir, there are some people even in the fold of those who are considered untouchables who oppose measures for the removal of untouchability. It looks sometimes as if untouchability is being exploited by them. Some of the measures suggested by them are such as would perpetuate untouchability. With great respect, I submit that if one wants to remove untouchability any step which is likely to perpetuate the custom of untouchability or to isolate the class which is known as untouchables does harm to that reform. We hope to abolish the very word 'untouchability' from our midst. It is ridiculous that people should be dubbed as untouchables and made to continue to receive separate treatment as untouchables. Take a single instance. We were told that we should start separate primary schools for untouchables. At some places this had been done. When we took office last time we said that if there was any untouchable child within one mile of a municipal or local board school and there was no untouchable child in that school, the recognition of that school should be cancelled and the grant to that school withheld on the presumption that they had refused admission to that child. The proper remedy is not to isolate the untouchables and start a separate school for them and thus to perpetuate untouchability, but to punish the people who refuse them admission and to compel people to admit Harijans among their fold in those public places where Government or the community has anything to do. It is for this reason that this Bill makes it an offence to discriminate against the Harijans on the ground that they are Harijans.

This Bill has caused us great anxiety. We have received blessings for this measure from many people who have worked for the removal of untouchability for long years.

[Mr. B. G. Kher]

I do not suppose there is anyone who will doubt our motive and our *bona fides*. All that I can do now is to command this measure to this House and to pray that untouchability will be a matter of forgotten history, and when our grandchildren hear that in the past people used to be kept away out of society on the ground of their being born amongst certain classes, they will refuse even to believe that such injustice existed and will certainly refuse to tolerate any such discrimination or injustice. Sir, I whole-heartedly support this measure.

Mrs. LILAVATI K. MUNSHI (Bombay City, Bhuleshwar): Sir, I have great pleasure in supporting the third reading of this Bill. The amendment moved by the hon. Member Mr. Wandrekar makes this Bill very comprehensive. It has covered almost everything. There is hardly anything left where now in law untouchability will exist. There is one matter, however, and that is industrial canteens, which is not specifically mentioned in this Bill. I think that as the Industrial Relations Bill is before the House, that is the proper place where it can be introduced, and that is why, I suppose, it has been slipped over in this Bill.

To my mind, the removal of untouchability in the eye of law alone is not enough. We must see that this Bill is implemented by our own conduct, that is by the conduct of Hindus and non-Hindus who have observed untouchability. We must see that they are admitted not only in those places but also in our houses. We must see that there is not a single right or privilege enjoyed by other Hindus which is denied to them. That is the way we remove untouchability.

Of course legislation necessary. The Hon. the Prime Minister has given the example of the Sharda Act and said that there are still child marriages. He has given the example of the widow Remarriage Act and said that in spite of that Act very few widow remarriages are taking place. As regards both these I would like to say that there may be some child marriages taking place in villages and other places, but let us consider how many child marriages are being prevented under the Sharda Act. If that Act had not been there, there would have been many more such child marriages. Similarly, there may be only a few widows remarrying, but those who remarry are not subjected to any harassment or a hardship as they would otherwise have been. So, it may not have achieved that measure of success in abolishing child marriages *in toto*, but with greater education, this objective will be gained. But whatever has been achieved is very encouraging, and certainly we should follow that example. Hence, if this Act does not remove the idea of untouchability from the people's mind, still it will remove every type of hardship on Harijans. It is now for them to assert their rights and it is for us to assist them in asserting those rights. I see a future, Sir, that within ten years there may be a day when our children may not know even the meaning of untouchability.

I was very pained to see that there are some people who for their own gains still object to the removal of untouchability. Certainly it is a very painful thing to us, but perhaps that gives them a few doubtful advantages. Untouchability will be totally removed if the words "Scheduled Class" and "High Class" are scratched off from the statute book; then there will not be any such being belonging to "Scheduled Class" or "high class". They will be all Hindus enjoying all the privileges and rights from society. By removing these two words, we will achieve that result more speedily than may be achieved by many other measures.

However, Sir, this is a great measure. It is a red letter day in the history of Bombay legislation, and I give all my support to this Bill.

श्री. नारायण सदोबा काजरोळकर:

Mr. N. S. KAJROLKAR, (Bombay City—Byculla and Parel), (Spoke in Marathi): अध्यमहाराज: कायद्यानें जर अस्पृश्यता निवारण झाली असती तर आज आपल्यामध्यें ज्याप्रमाणें हिंदू-मुसलमान हा भेद आहे त्याप्रमाणें आजपर्यंत स्पृश्य आणि अस्पृश्य असा लढा शिल्लक राहिला नसता. म्हणून ह्या कायद्यानें हरिजनांचीं सगळीं गान्हाणीं दूर होतील अशा भावनेनें हें बिल आणले गेलें नाहीं. आमच्या हिंदू मंडळींनीं अस्पृश्यांचे हाल किती होतात याची जाणीव ठेवून हे हाल शक्य तितके कमी व्हावे म्हणून हें बिल आणलें गेलें आहे. महात्मा गांधींनीं गेलीं ३० वर्षें अस्पृश्यता नष्ट करण्याचे प्रयत्न केले व हरिजनांच्या अडचणी जगाच्या वेशीवर टांगल्या याबद्दल मी त्यांना धन्यवाद देतो. आतां हा कायदा जरी पास झाला तरी त्याची योग्य रीतीनें अंमलबजावणी करणें सर्व हिंदू समाजाच्या हातीं आहे. हिंदू समाजाची जर या बिलाला सहानुभूति मिळाली नाहीं तर नाममात्र कायदा पास होऊन त्याच्यापासून हरिजनांना मिळावा तसा फायदा मिळणार नाहीं. तेव्हां स्पृश्य हिंदू लोकांना माझी अशी विनंति आहे कीं, त्यांनीं आजवर केलेल्या अपराधांचें क्षालन म्हणून नव्हे पण अस्पृश्यांच्या ह्या प्रश्नाला सहानुभूति म्हणून तरी त्यांनीं ह्या बिलाला पाठिंबा द्यावा, आणि तो प्रत्यक्ष कृतींत आणावा. हरिजनांना समाजांत वावरतांना किती अडचणी येतात याची सर्वांना कल्पना आहे. सरकारनें हरिजनांकरितां सरकारी नोकरींत जरी राखीव जागा ठेवल्या असल्या तरी प्रत्यक्ष काम करतांना त्यांना फार अडचणी येतात. उदाहरणार्थ, एखाद्या हरिजनाची रेव्हिन्यू खात्यांत नेमणूक झाली आणि त्याला कामानिमित्त बाहेरगांवाला पाठविलें तर त्याला रहाण्यासाठीं जागा मिळत नाहीं. रहाण्यासाठीं खोलीची व्यवस्था झाली तर पिण्यासाठीं पाणी मिळत नाहीं. त्याचप्रमाणें आचारी मिळणार नाहीं, इतकेंच नव्हें तर त्याला ऑफिसमधील सनातनी अधिकारी नानातऱ्हेनें त्रास देतात. तेव्हां हरिजनाला जरी नोकरी देण्याची व्यवस्था सरकारनें केली तरी ह्या सर्व त्रासाला कंटाळून एक दोन वर्षांतच त्याला नोकरीला रामराम ठोकण्याची पाळी येते. पोलीसखातें घेतलें तरी तेथेंहि असाच प्रकार आढळतो. १०-१५ वर्षांपूर्वी पोलीस खात्यांत हरिजन घेण्याचें ठरविलें गेलें, परंतु ते बाहेरगांवीं गेल्यानंतर त्यांना वर सांगितल्याप्रमाणें अडचणी सोसाव्या लागतात. आपल्या घरांत मुसलमान आला तरी चालतो पण हरिजन अंमलदाराला मात्र शिरकाव मिळत नाहीं. पुष्कळ वेळां या त्रासामुळें हरिजनांना आपल्या नोकरीचा राजीनामा देण्याची पाळी येते.

हरिजनाला जिवंतपणींच शिवत नाहीं येवढेंच नाहीं तर मेल्यानंतरहि त्याला जाळण्यासाठीं स्पृश्य हिंदूच्या स्मशानभूमीवर परवानगी दिली जात नाहीं. आपल्याला माहीत आहे कीं, मुंबईला नानाशंकरशेठ स्मशानगृह आहे. त्याठिकाणीं हरिजनांना मेल्यानंतर जाळण्यासाठीं जागा मिळविण्याची खटपट आज २५ वर्षें होऊनहि व्यवस्था होऊं शकली नाहीं. या गोष्टीलाहि स्पृश्य हिंदूंनीं अडथळा केला. या बाबतींत मुंबई कार्पोरेशनमध्यें एक ठरावहि आणला गेला होता; व त्यासाठीं ५७ हजार रुपये मंजूर केले. पण ज्यावेळीं प्रत्यक्ष स्मशान-गृह बांधण्याची वेळ आली तेव्हां मुसलमान लोकांनीं त्यांचे स्मशानगृह जवळ आहे या

[Mr. N. S. Kajrolkar]

सबबीवर आडकाठी केली. आतां काळ पालटला आहे तेव्हां हा दुजाभाव स्पृश्य बंधूंनीं सोडून दिला पाहिजे. हें जें मंगल बिल आपल्यापुढें आलेलें आहे त्याला पाठिंबा देतांना स्पृश्य हिंदूंना पुनः विनंति करतों कीं, कायदा पास झाला तरी त्याची अंमलबजावणी करण्याचें काम आपल्या हातीं आहे.

(*Substance of the above in English*).

Although this Bill is inadequate to relieve the tortures to which Harijans are put on account of untouchability, I am sure that by this Bill the community is advancing one step further in achieving their goal. At the same time, it must be remembered that this Bill must by supplemented by co-operation from caste Hindus on whose attitude depends the real improvement of the Harijans. For example, although there is reservation in Government offices for employment of the Harijans, the attitude of caste Hindus has not changed, and, naturally, the Harijans have to face many difficulties while discharging their duties. The Harijans are so unfortunate that the dead bodies of the Harijans are not allowed to be cremated on Hindu cremation grounds.. Unless this attitude on the part of caste Hindus is changed, there is no possibility of our bringing about real and lasting improvement in the conditions of the Harijans.

श्रीमती ताराबाई मोडक:

Mrs. TARABAI MODAK, (Bombay City—Girgaum) (Spoke in Marathi): अध्यक्षमहाराज: हरिजनांच्या सामाजिक अडचणी दूर करणारें हें जें बिल आहे त्याच्या तिसऱ्या वाचनाला पाठिंबा देण्यासाठीं मी उभी आहे. ह्या बिलामुळें हरिजनांच्या कांहीं अडचणी दूर होतील यांत शंका नाहीं. केवळ कायद्यानें ज्या सुधारणा होण्याजोग्या आहेत तेवढ्या ह्या कायद्यानें होतील, पण एवढ्यावरच थांबून चालणार नाहीं. याचें मी एक लहानसें उदाहरण देतें. यां कायद्याप्रमाणें कोणत्याहि शाळेंत अस्पृश्यता पाळतां येणार नाहीं. मी जेथें काम करतें त्या खेडेगांवांत आमच्या शाळेंत सर्वांना परवानगी आहे. पण माझा अनुभव असा आहे कीं त्या शाळेंत हरिजनांचीं मुलें येऊं लागल्याबरोबर स्पृश्य हिंदूंचीं मुलें येण्याचें बंद झालें. तेव्हां कायद्याबरोबरच त्याची अंमलबजावणी करणें हेंहि तितकेंच महत्त्वाचें आहे. अर्थात् ह्या गोष्टी सार्वजनिक कार्यकर्त्यांनीं प्रयत्नपूर्वक कराव्या लागतात. जर अस्पृश्यवर्ग फक्त कायद्याचे हक्कच गाजवूं लागतील तर माझ्या मतें ह्या कायद्यामुळें आपल्या समाजांतील स्पृश्य व अस्पृश्य या दोन वर्गांत जास्त आढी निर्माण होऊन संबंध अधिक दुरावण्याचा संभव आहे. तेव्हां जरी कायदा पास झाला तरी दोन्हीं बाजूंच्या कार्यकर्त्यांनीं त्याच्या अंमलबजावणीच्या कामाला सहकार्य करण्याची जरूरी शिल्लक राहते.

दुसऱ्या गोष्टी म्हणजे कांहीं आमदारांनीं असें सांगितलें कीं हरिजनांना पुढें आणण्यासाठीं सरकारनें सरकारी नोकऱ्या व इतर कामें हक्कानें जास्त प्रमाणात देण्यांत याव्यात. माझ्या मतें ही जीं प्रांतवार व जातिवार नोकऱ्या देण्याची प्रथा आपल्या देशांत पडली आहे तीं

[Mrs. Tarabai Modak]

आपल्या राष्ट्रविकासाला लागलेली एक प्रकारची कीड आहे. ही कीड नाहींशी करावयाची असेल तर जातीचा विचार न करतां सर्वांना ज्याच्या त्याच्या गुणांप्रमाणें नोकऱ्या दिल्या पाहिजेत. त्यांच्याशीं सहमत न होण्याबद्दल हरिजनबंधूंनीं मला क्षमा करावी. माझा प्रत्यक्ष अनुभव असा आहे कीं सरकारनें अस्पृश्यांसाठीं एक ठराविक शेंकडा अमूक नेमणुका करण्याचा नियम केल्यापासून शिक्षणखातें सुधारण्याऐवजीं शिक्षणाचें खरें मूल्य कमी होत जात आहे. माझा शिक्षणखात्याशीं संबंध आलेला आहे आणि म्हणून माझा अनुभव मी सांगत आहे. परंतु इतर कांहीं खात्यांत त्यांच्यामुळें अधिक उन्नति होण्याचाहि संभव आहे. तेव्हां सर्व ठिकाणीं नोकरींचा टक्का लावणें गैर आहे. सायकॉलॉजीच्या नियमाला अनुसरून आपल्या ह्या जातिविषयक विचारसरणीमुळें जातिविचार नाहींसा होण्याऐवजीं तोच अधिक प्रामुख्यानें मनांत घोळत राहील. म्हणून शिक्षण वाढविणें व त्यामुळें योग्यता वाढविणें हाच हरिजनवर्गाच्या उन्नतीचा एक उपाय आहे असें मला वाटतें.

आर्थिक सुधारणा झाली कीं त्यांत सर्व सुधारणा आल्या असें सांगण्यांत आलें. माझा जो थोडाबहुत हरिजनांशीं संबंध आला त्यांत मला दिसून आलें कीं बरेच हरिजन सुस्थितींत आहेत. कोणी कॉंट्रॅक्टर्स घरें बांधण्याचें काम करणारे आहेत; कोणी व्यापार-उद्योगांत आहेत; परंतु आर्थिक सुधारणांबरोबर शिक्षण व संस्कृति यांचीहि वाढ व्हावयास पाहिजे. याप्रमाणें सामान्य योग्यता वाढली म्हणजे हरिजनांना चांगल्या व मोठमोठ्या जबाबदारीच्या जागा आपोआपच मिळूं शकतील. तेव्हां मी वर सांगितलेल्या दोनतीन गोष्टींकडे सभागृहाचें लक्ष वेधून ह्या बिलाच्या तिसऱ्या वाचनाला पाठिंबा देतें.

(*Substance of the above in English*).

I rise to support the third reading of this Bill. I have no doubt that the Harijans will be benefited by this Bill so far as is possible under legislation, but if that community gives too much importance to achieving their rights by way of legislation, I am afraid it will have a bad effect. Real improvement is possible only by the proper execution of this law combined with the sympathetic support of other people in the working of this Bill. I do not like the idea of reservation of particular posts in Government service for the Harijans. This results in furthering the bitterness prevailing in different communities. I am saying this, because I have got a very bad experience of this reservation system in schools. Increasing literacy among the Harijan community is the only means of improving their condition. Improvement in the economic condition is no doubt essential, but it must be supplemented by education. With these words, I support the third reading of this Bill.

Mr. MIRZA AKHTAR HASAN (Trade Unions of Seamen and Dock Workers): 2 p.m. Sir, I beg permission to address the House in Hindustani today.

The Hon. the SPEAKER: Hon. Members are aware that the other day I did express, when the hon. Member Mr. Deshpande wanted to speak in Marathi, though all along he had spoken in English, that I wanted to reduce the rigour of that rule expecting that in a very short time we would be speaking in our own mother-tongues, but the rule is there and it has to be observed. It cannot be said that I have set aside the rules and allowed hon. Members to speak in any language they liked;

[The Speaker]

that cannot be my decision. There is a rule saying that if the Chair finds that any honourable member feels himself not sufficiently acquainted with the English language to express his views on a subject on which he is going to speak, the Chair may allow him to speak in any recognized language. I do not want to disallow the hon. Member Mr. Mirza Akhtar Hasan from speaking in Hindustani if he wants to do so, but then I take it that he does not feel sufficiently confident to express himself in English on the subject. With this reservation, the hon. Member may, if he likes, address in Hindustani.

Mr. MIRZA AKHTAR HASAN: Sir, I cannot say that I do not feel sufficiently confident to speak on this subject in English and I would, therefore, speak in English.

Sir, I rise to associate myself with the sentiments expressed by the Prime Minister and many hon. Members of this House at the time of the first reading of this Bill and to express my view that we on this side of the House are not satisfied with the provisions of this Bill, because they do not go very far to achieve the object. No doubt, it is a step in the right direction, and, therefore, I support this Bill. But I must say that the Bill falls too short of our expectations.

Change of law, allow me to say, will take us no further; it is the change of mentality, change of heart, that will really achieve the object. Casually, I may narrate an incident that occurred at a meeting of the Schools Committee of the Municipality of Bombay, of which both myself and the hon. Member Mrs. Lilavati Munshi are members. There was a very able and very efficient Harijan girl candidate for the post of Supervisor of Girls' Schools. I supported her candidature and the candidate was also very ably supported by the hon. Member Mrs. Munshi. She pleaded on behalf of the candidate with vigour and eloquence, but when the time for voting came, the hon. Member Mrs. Munshi unfortunately voted against this candidate. That is the mentality. I do not want such type of mentality and such type of law. It was a surprise to me that after such deliberation and argument, the hon. Member had voted against the candidate. And I asked her why she first supported the Harijan candidate and withdrew her support later on. This is one incident which I am narrating. These things do not help us at all. As for my part, I can only say that there is something radically wrong in the whole system of society. I am convinced, and I think most people will agree with me, that untouchability is an unnatural thing. Human beings are living under a civilization which undergoes a sort of evolution and revolution in various stages and at various times. The fate of India has been that her people had to intermingle with different types of civilizations, and the structure of the society was to a large extent governed by this process. To my mind, the existence of untouchability is due purely to economic conditions by which people have been and are being assessed. I have myself seen a Brahmin sepoy, a chaprasi as we call him, actually bowing before a Harijan Deputy Collector. Why? For the simple reason that the economic conditions compel him to do so. The sepoy belongs to a high caste; he is a Brahmin; and yet on account of the economic conditions he has to bow to a Harijan who is placed in a higher position in life than himself. Therefore, this evil of untouchability has originated from economic conditions only. The economic conditions have come to play such an important part in our social system that sublimity and highness of humanity are upheld in all vocations of life. It is not the profession or the calling that gives honour and dignity to the man; it is the man who gives dignity to the profession. If any proof of this

[Mr. Mirza Akhtar Hasan]

statement were required, have we not read in papers and do we not know that in various other countries very high positions in life, including that of a Prime Minister of a country or of an Empire, have been held by barbers and cobblers ? I fail to understand why this untouchability exists in India. Its removal is absolutely essential, and for this purpose there should be a drive from all directions. The State must do something to root out this evil, and the Harijans themselves must take the initiative in the matter. What the State should do in this direction I shall presently say. What I have been feeling for a long time and to which I have not been able to get a solution is the question why the work of sweeping the streets and cleaning the latrines should be confined to the Harijans only. It must be thrown open to all communities, and if need be, all communities must be forced to take part in it because it is in the interests of humanity as a whole that sanitary conditions are maintained. I remember the words of one of the Presidents of the United States of America when he gave a lecture in a scavengers' conference. He told them " Look here, gentlemen, do not feel that you are doing a low type of work. Your part of the work is most sublime in this way : There are three important things in this world, and these are, the poverty of man, the education of man and the disease of man. You are the people who are responsible for maintaining sanitary conditions in the country, and, therefore, a third of humanity's part is in your hands ". In our country why this work should be confined to the Schedules Castes, I cannot understand.

I do not agree with the views of the hon. Member Mrs. Munshi that the words " high caste Hindus " should be removed so that by process of elimination every one will become a Harijan. Removal of a name or of a few words is not so very important. What is important is the removal of the false sense of conceit that has got into out heads. Mere preaching from the altar will not bring about the desired results. No one should feel shy in taking up a particular calling. For centuries together a certain section of the people has been confined to do a particular type of work, and, therefore, it is the duty of Government to force the high caste people who have so long been hating the Harijans, to attend to the work of sweeping the roads and cleaning the latrines, and to let the Harijans sit in high offices. That may be a very drastic step for an administration to take, but I may tell the Hon. Minister that some day he will have to go to that length, otherwise it will not be possible to remove untouchability.

As regards the speech of the hon. Member Mr. Kajrolkar, I was surprised to hear some portions of it. So far as untouchability in his case is concerned, he has more or less become a Brahmin by means of his association and there is no untouchability in him. He referred to the question of burial of the dead bodies of Harijans and said that the Muslims opposed the proposal. It was not the Muslims who opposed it. Some difficulties were experienced with the Trustees of the cremation ground. We had nothing to do with it. However, that is beside the point. What I want to make out is that untouchability is a sort of a feeling, a false sense of conceit that a particular person is doing a mean work and therefore he is mean. This disease has gone so deep into our body and even in our administration that we have been calling Government servants in the lowest cadre as menial servants. It shocks one to hear this. There is no decency in calling the people " menials ", simply because they draw low salaries. It is not at all palatable to one's tastes. I believe that the present Ministry is taking some action to call them inferior servants.

Untouchability has not originated from God ; it is the creation of man ; and on account of its observance for centuries together, it has taken very deep roots in

[Mr. Mirza Akhtar Hasan]

our social organisation. Therefore, some drastic steps are necessary to get rid of it. This Bill is a step in the right direction and it deserves to be supported. It is not a very comprehensive measure; most of the advantages sought to be given to the Harijans are already being enjoyed by the Harijans; and some drastic action should be taken to do away with this evil of untouchability which is so disgraceful to the whole society. It is certainly disgraceful that a human being should hate another human being and should treat him as an untouchable. This is most disgraceful; it is a slur on humanity; and the time has come when practical steps should be taken to wipe it out. With these words, I support the Bill.

Mrs. LILAVATI K. MUNSHI: On a point of explanation, Sir. The hon. Member cited one incident which happened in the Schools Committee.

The Hon. the SPEAKER: Is it a matter of personal explanation? If so, she may explain it, but no debatable point should be introduced.

Mrs. LILAVATI K. MUNSHI: All right, Sir. It is a personal explanation. The hon. Member mentioned that I took up the cause of a Harijan woman for some appointment, and subsequently withdrew my support. There was a whole list submitted, and what I said was that if we were to select a candidate from the list preference should be given to Harijans. It was pointed out, however, that the claims of the seniormost persons could not be disregarded, and that was why I had to withdraw my support.

श्री. अमृतराव धोंडीबा रणखांबे :

Mr. A. D. RANKHAMBE, (Nasik West), (Spoke in Marathi): अध्यक्ष-महाराज : ह्या बिलांत हरिजनांच्या सर्व अडचणी जरी दूर होतील अशी आशा करण्याला जागा नाहीं तरी थोड्या फार प्रमाणांत कां होईना ह्या बिलानें हरिजनांचा फायदा होणारं आहे म्हणून मला आनंद होत आहे. दोन तीन हजार वर्षांपासून ज्या नालायक्या हरिजनांवर लादल्या गेल्या आहेत त्या एकदम नाहींशा होणें शक्य नाहीं, तरी पण लौकर नाहींशा झाल्या-पाहिजेत असें माझें म्हणणें आहे. माझे मित्र श्री. काजरोळकर यांनीं सांगितल्याप्रमाणें आतांपर्यंत आपल्यापुढें आलेल्या बिलांत या बिलाचा पहिला नंबर मात्र लागूं शकत नाहीं. या बिलानें जर सर्व नालायक्या काढून टाकल्या असत्या तर कदाचित् सदरहू बिलास तो पहिला नंबर दिला असता, परंतु हें बिल आपल्या पुढें ज्या स्वरूपांत आहे तिकडे पाहिलें म्हणजे त्याला १५ वा किंवा २० वा नंबर द्यावासा वाटतो.

कांहीं असलें तरी हरिजनांचा ह्या बिलामुळें फायदा होणार आहे व असलें बिल आज महात्मा गांधींच्या जयंतीच्या दिवशीं पास होत आहे म्हणून आजचा सुवर्णदिन आहे असें मला वाटतें. श्री. काजरोळकर यांनीं असें सांगितलें कीं, कोणतीहि सुधारणा पायरीपायरीनें केली पाहिजे. मला त्यांना असें विचारावयाचें आहे कीं अजून पायऱ्या कसल्या मोजतां? आतां काळ असा आला आहे कीं भराभर पुढचीं पायरी गांठून आपण पुढें पाऊल टाकलें पाहिजे. इंग्रजी अमदानींत जरी आमचीं कोणत्याहि प्रकारें उन्नति झाली नाहीं तरी आमची खात्री होती कीं काँग्रेससरकार आल्यावर अस्पृश्यता नष्ट झाल्याशिवाय राहणार नाहीं. कांहीं

[Mr. A. D. Rankhambe]

हरकत नाहीं, पायरीपायरीनें कां होईना पण ह्या बिलांत ज्या थोड्याफार दुरुस्त्या राहिलेल्या आहेत त्या लवकर केल्या जाव्यात अशी माझी सरकारला विनंति आहे. स्पृश्य हिंदूंनीं हें जें बिल आणलें आहे तें अस्पृश्यांवर उपकार करण्यासाठीं नाहीं, तर त्यांनीं आमच्यावर हजारों वर्षें अन्याय करून जीं पापें केलीं आहेत तीं धुऊन टाकण्यासाठीं हें बिल आणलेलें आहे. पूर्वी या सभागृहांचे सन्मानीय सभासद श्री. देशपांडे यांनीं ह्या बिलावर बोलतांना सांगितल्याप्रमाणें नाशिक जिल्ह्यांत मुरखेड गांवीं अस्पृश्यांनीं पांडवप्रतापाची पोथी वांचून झाल्यानंतर आम्हीं मिरवणूक काढली असतां स्पृश्य हिंदूंनीं आमच्या मिरवणुकीला मनाई केली. ज्या रस्त्यावरून गाढवें आणि इतर जनावरें जाऊं शकतात त्या रस्त्यानें आम्ही केवळ अस्पृश्य म्हणून आम्हाला मनाई केली जावी हा खरोखर मानवतेचा अधःपात आहे. सुदैवानें लवकरच आमच्या मदतीला पोलीस धाऊन आले व त्यामुळें आम्हीं वाचलों. ज्यावेळीं नाशिक मंदिरप्रवेश सत्याग्रह झाला त्यावेळीं प्रत्यक्ष बाळासाहेब खेर माझ्याकडे मुक्कामाला होते आणि त्यांना अस्पृश्यांना किती हाल सहन करावे लागतात याची चांगली कल्पना आहे. गेल्या खेपेला कॉंग्रेसमंत्रिमंडळानें मंदिरप्रवेश बिल पास केलें असतें तर आज अस्पृश्यांना मंदिरांत जाण्यास मिळालें असतें. असो आतां निदान मुंबईला जेव्हां पुन्हा सेशन भरेल तेव्हां तरी तें बिल सरकारनें पास करून घ्यावें अशी मी विनंती करतों. आतां एका सन्माननीय सभासदानें सांगितलें कीं महात्माजींनी आपल्या आश्रयाला एक हरिजन मुलगी ठेविली आहे. यामुळें सर्व अस्पृश्यता नष्ट होईल असें नाहीं. तरी पण हरिजनांविषयीं सहानुभूति म्हणून स्पृश्य हिंदूंनीं आपल्या घरांत हरिजन मुलगा अथवा मुलगी घरकाम करण्यासाठीं तरी ठेवून घ्यावी म्हणजे अस्पृश्यता नाहींशी होण्याला मदत होईल. वरील सर्व गोष्टींचा विचार करून मी ह्या बिलाच्या तिसऱ्या वाचनाला पाठिंबा देतो.

(Substances of the above in English.)

Although this Bill does not promise to satisfy the full requirements of the Harijans it is worth while working it its present form. However, we must not forget that untouchability, which has taken deep roots in the Hindu religion, cannot be removed at a moment's notice. It is bound to take some time. At the same time, we must not be satisfied with this slow process, but try our best to remove this evil as soon as possible. I have got a personal experience of the invidious treatment that is being meted out to the Harijans by the caste Hindus. Even the Hon. the Premier is well aware of this, and that is why we are seeing this Bill on the floor of this House. Along with the Harijans themselves it is also the duty of the other people, especially caste Hindus, to co-operate in the task of removal of untouchability, in whatever way they think possible.

Mr. VIRANGAUDA V. PATIL (Dharwar South) : Sir, I rise to support the third reading of the Bill. I have been working for the Harijans for the last 20 years as a disciple of Mahatma Gandhi. In 1928, I started the Harijan Boarding House at Belgaum. I joined the Congress long ago. For 12 years, beginning with the year 1934, I worked as the President of the Karnatak Harijan Sevak Sangh. My wife and I have been staying in the midst of Harijan girls. We prepare food for them and we take food prepared by them along with them. We look upon the Harijan children as our children. My wife does not know English but knows only broken

[Mr. Virangauda V. Patil]

Marathi: Mahatma Gandhi when he visited our place and when we were travelling in his car asked my wife why she did not help me in my work. She answered that she was not a highly educated woman; she was not educated like women in cities. He further questioned her, 'Don't you know how to comb, wash and clean?" She replied in a affirmative. Then he asked her to bring some Harjian girls and bring them up as her own daughters. Since then she got converted by the Great Mahatma and she brought two Harijan girls, taught them and looked after them as our children. Now the institution has grown. The number of girls is beween 25 and 35. The institution is called the Karnatak Harijan Balikashrama, Hubli. She has been helping me. But the result of this all has been that my mother has not taken meals with us for the last 20 years. You can understand what must be my feelings for this. There are thousands of disciples of Mahatma Gandhi working for the Harijan cause and this must be the experience of them all, that they have to lose the affection of their dear ones.

Having worked for the last 20 years amongst the Harijans I know their difficulties. I also know that this Bill does not go far enough, but we are trying to do as much possible for the Harijans.

I know there are some educated Harijans. A girl from my *Ashram* passed her B.A. examination and she got an employment in the K. K. High School, Bijapur. The girl could not get a single room for the last one year in Bijpaur City though my son belonging to higher caste stayed with her. You are probably aware that our Premier went to Bijapur and laid the foundation stone of the Harijan Boarding for Girls at Bijapur. This has been made possible because of the generosity of a wealthy gentleman from Bombay who donated a sum of Rs. 20,000. In spite of achievement, to our shame the girl was not able to get a room on rent in the Bijapur City and she had to put up in the Harijan Boarding for one year.

Those Harijans who are educated become all the more depressed and dejected because of the ill-treatment which they receive at the hands of caste Hindns. They are practically driven to the stage when they feel like embracing Christianity or the Mohamedan religion. We are quite aware of their feelings, but do they know that my mother is not staying with me for the last 20 years ? Can they imagine my feeling? Let me assure them that we are doing all we can to help them.

Do you know what are the conditions in the villages ? My wife and I used to take a party of Harijan girls and boys with us and go into villages. We had procession and the girls played the feats of lezim and lathi drills. We also visited the Harijan quarters there. We also used the wells and tanks and took part in everything as if there was no untouchability in the village. The villagers joined us in common prayer. But as soon as we returned, things assumed their old shape. Such things must be repeated and there must be awakening. I do not know how many people are prepared to undertake this work of reform in the villages. I am sure they are very very few. How many people have seen that wells, tanks and public utility services have really been thrown open to the Harijans ? How many people have actually travelled from village to village for this purpose ? My experience is that none takes any interest. Now, Sir, the time has come—we have fought for independence, and now we are at the threshold of our independence—when we must remove untouchability. We are pledged to see that untouchability is removed. I know our Hon. Ministers are all sincere. They

2-30 p.m.

[Mr. Viranganda V. Patil]

are willing to do whatever is possible. But there are so many legal flaws, so many obstacles in our way. When houses are not made available to the Harijans what are they to do ? I suggest that Government should either give extra house allowance or build houses and give them on rent to Harijan officers. I have given shelter to two Harijan girls. They have passed the Vernacular Final Examination. One of them is earning Rs. 35 per month. I got her married to a Harijan boy. They could not get any good house. They lived in a small room which was damp and wet. The boy began to suffer from anæmia. So, I asked the couple to stay with me. Therefore, I say those who are interested in this problem should go from village to village and see that all these laws and rules are implemented. If that is done, I am sure there will be no untouchability after five years to the extent that it now prevails. Mahatmaji has prepared the ground with his sacrifice, and it is for us now to do the work in all earnestness and sincerity.

Some people think that we have done a great deal. We have thrown open restaurants and tea houses to the Harijans in big cities. I know there is an awakening in cities, but in the villages it is a dead mass. There is absolutely nothing there.

I think we have to enact laws from the other side now. That is to say, the Harijans should be punished if they do not take advantage of the facilities now given by thisslaw. Unless we do that, nothing of the kind that we desire will be achieved. The customs and habits of the people will have to be changed. The caste Hindus have dne much work. As I said just now, much ground work has been done by Mahatmaji, but the other side, that is the Harijans, have not still been awakened. Some of the hon. Members may think that by passing these laws the work is finished. But it is not finished at all. It is just begun. It is not a jubilant day. It is a day on which we should hang our heads in shame. For the last 150 years, the bureaucratic Government has done nothing for the Harijans. But today we are committed to see that untouchability is removed. Sir, yesterday I had a talk with the Hon. the Premier. He told me that the Government would agree to go to any extent. Sir, I am not a pleader ; I am only a social worker, working for the Harijans. I request hon. Members to devote their attention to this problem, watch day after day, and see that untouchability is removed. If they want the help of Government, it is there. I hope that everything possible will be done by them, and that they will work in this cause.

Sir, with these remarks, I resume my seat.

श्री. गणपत संभाजी खरात :

Mr. G. S. KHARAT, (Poona West) (Spoke in Marathi) : अध्यक्षमहाराज : चातुर्वर्ण्याची व्यवस्था अमलांत आली तिचा हेतु उच्च होता असें कोणीहि सांगितलें तरी एक गोष्ट मात्र निश्चित आहे कीं त्या व्यवस्थेमुळे अस्पृश्याला गुलाम बनविलें गेलें. ही गोष्ट त्यावेळीं अस्पृश्यांवर लादली गेली आणि धर्मवचनांप्रमाणें त्यांना ती पाळणें भाग पडत होतें. या गोष्टी जुन्या जमान्यांत देवाधर्माच्या नांवानें केल्या गेल्या त्या नाहींशा करण्यासाठीं आपल्याला आज ह्या कायद्याचा आधार घ्यावा लागत आहे. कॉंग्रेसपक्षाखेरीज दुसऱ्या कोणत्याहि राजकीय पक्षानें अस्पृश्यता नाहींशी करण्याचे प्रयत्न केलेले नाहींत कॉंग्रेस मिनिस्ट्रीनें पहिल्यांदाच हें असलें बिल सभागृहाढें आणलें म्हणून मी या मिनिस्ट्रीच

[Mr. G. S. Kharat]

अभिनंदन करीत आहे. माझे मित्र श्री. काजरोळकर व रणखांबे यांच्या मनांत ह्या बिलाविषयीं जी एक रुखरुख राहिली आहे ती अशी कीं या बिलानें अस्पृश्यता संपूर्ण नाहींशी होणार नाहीं. अस्पृश्यांची जी सामाजिक, आर्थिक, बौद्धिक व राजकीय गुलामगिरी आहे त्यांपैकीं फारच थोड्या प्रमाणांत सामाजिक गुलामगिरी कमी होणार आहे. हरिजनसमाजांत काम करतांना किती प्रकारच्या अडचणी येतात तें येथें सांगणें योग्य होईल असें मला वाटतें. ह्या बिलाची अंमलबजाणी होण्याला सुरवात झाली म्हणजे अस्पृश्य समाजावर स्पृश्य हिंदूकडून बहिष्कार घातला जाईल. १९३८ सालीं सार्वजनिक विहिरींवर सर्वांना पाणी भरण्याची परवानगी म्युनिसिपालिटीनें व लोकलबोर्डानीं दिली व त्याप्रमाणें जेव्हां अस्पृश्य पाणी भरण्यास गेले तेव्हां त्यांना फार त्रास झाला व त्यांच्यावर इतर हिंदूंनीं बहिष्कार घातला. अशीं पुष्कळ उदाहरणें आहेत. आपल्या सभागृहाचे सभासद श्री. टी. एस्. जाधव यांना याबाबतींत फार वाईट अनुभव आलेला आहे. त्यांनीं सांगितल्याप्रमाणें सोलापूर जिल्ह्यांत करमाळें या गांवीं सार्वजनिक विहिरीवर जेव्हां हरिजनमंडळी पाणी भरण्यासाठीं गेलीं तेव्हां त्यांना तेथील बनिया लोकांनीं व स्पृश्य हिंदूंनीं पाणी भरण्यास अडथळा केला, इतकेंच नव्हें तर त्यांना वाळींत टाकण्यांत आलें. वाण्याच्या दुकानांतील माल अस्पृश्यांना मिळणें कठीण जाऊं लागलें. अशा वेळीं बहिष्कारित अस्पृश्यांना सरकारनें संरक्षण दिलें पाहिजे. साध्या भाकरीच्या तुकड्यासाठींहि अस्पृश्यांना इतर हिंदूवर अवलंबून रहावें लागतें व हरघडी अपमान सोसावा लागतो. त्यांना कोठल्याहि प्रकारचें घरकाम मिळत नाहीं व शेतावरील कामेंहि मिळत नाहींत. त्यांच्या मालकीचीं शेतें नसल्यामुळें पोट भरण्याचें कांहीं साधन रहात नाहीं. पहिल्या वाचनाच्या वेळीं आमदार श्री. माने यांनीं हरिजनांची बिकट आर्थिक परिस्थिति या सभागृहाच्या नजरेला आणली होती. हरिजनांना आर्थिक स्थिति सुधारण्याचीं साधनें निर्माण करून दिली तरच त्यांची खरी उन्नति होईल व या कायद्याचा खरासुरा फायदा हरिजनांना मिळेल. त्याचप्रमाणें त्यांना पुरेसें शिक्षण देण्याचीहि व्यवस्था झाली पाहिजे. आजपर्यंत याबाबतींत कोणीहि पुरेसें लक्ष घातलेलें नाहीं. जुन्या जमान्यांत वेद हरिजनांच्या कानांवर पडूं नयेत अशी काळजी घेतली जात असे. त्यांनीं वेद ऐकले तर त्यांच्या कानांमध्यें शिसें ओतलें जात असे व कोणी वेदवाक्य उच्चारण्याचा प्रयत्न केला तर त्याची जीभच तोडली जात होती अशा त्यांच्यावर बौद्धिक गुलामगिरी लादली होती. अशा तऱ्हेनें नाना प्रकारची गुलामगिरी हिंदुधर्मानें अस्पृश्यांवर लादली आहे. श्रीमती ताराबाई मोडक यांनीं आपल्या भाषणांत असें सांगितलें कीं अस्पृश्यांना "शिक्षणाच्या व नोकऱ्यांच्या बाबतींत कांहीं पर्सेंटेज राखून ठेवलें तर त्यांच्या शिक्षणावर अनिष्ट परिणाम होतो". परंतु हें सांगतांना त्यांनीं अस्पृश्यांना फार अन्याय केला आहे असें मला वाटतें. हरिजनांना इतर हिंदूंच्या मुलांप्रमाणें फ्रीशिप्स अथवा स्कॉलरशिप्स मिळत नाहींत, तेव्हां अशा परिस्थितींत हरिजनांना ठराविक जागा राखून ठेवणें हाच एक मार्ग उरतो. मी स्वतः शिक्षकाचें काम केलेलें आहे व माझा अनुभव असा आहे कीं हरिजनांना जर विशेष सवलती दिल्या तरच त्यांच्या शिक्षणाच्या बाबतींत इष्ट परिणाम होतील. अनिष्ट परिणाम होणार नाहींत. कर्नाटकचे माझे

[Mr. G. S. Kharat]

आमदार मित्र म्हणाले कीं हरिजनांमधील सुशिक्षित लोक हरिजनांमध्यें जाऊन त्यांच्यांत मिसळत नाहींत व पाहिजे तसा प्रचार करीत नाहींत. त्यांच्या ह्या आरोपाचा मला साफ इन्कार करावासा वाटतो. हरिजनांना त्यांच्या अत्यंत गरिबीमुळें जास्तींतजास्त मराठी फायनलपर्यंत जातां येतें. ह्या शिक्षणावर हरिजनाला जी नोकरी मिळणें शक्य आहे ती सांभाळून बाकीच्या वेळांत त्याला जेवढें सामाजिक कार्य करतां येणें शक्य असतें तेवढें तो करीत असतो. त्यांच्याजवळ कांहीं मोठाले फंड नाहींत कीं त्या फंडाच्या जोरावर त्यांना २४ तास कार्य करतां येईल. १९३८-३९ सालीं श्री. रामभाऊ यांना एल्.एल्.बी. च्या परीक्षेच्या अभ्यासासाठीं पुण्यांत जागा मिळूं शकली नाहीं. जवळ संडास व घाणेरडें पाणी अशा जागांमध्यें अस्पृश्यांना लागतें. मी ह्या सभागृहाचा मेंबर आहे पण मी ज्या जागेंत राहतो त्या जागेचे निश्चितपणें फोटो घ्यावे लागतील, इतकी ती घाणेरडी जागा आहे. चांगल्या वस्तीमध्यें राहण्यांची माझी इच्छा असूनहि मला तशी जागा मिळत नाहीं. तेव्हां ही परिस्थिति सुधारण्याची सरकारनें कांहींतरी व्यवस्था करावी अशी मी विनंति करतों. मी हरिजन आहे, नीच आहे, समाजाचा गुलाम आहे अशी स्पृश्य समाजाची समजूत अजूनहि आहे. तेव्हां हा उच्चनीच भेद नाहींसा करण्यासाठीं व अस्पृश्यता नष्ट करण्यासाठीं आपल्या मंत्रिमंडळानें कांहींतरी चांगला भरीव कार्यक्रम आंखावा अशी मी विनंति करतों.

आपल्यापुढील बिलाला मीच पाठिंबा देतों असें नाहीं तर सगळे हरिजन सभासद ह्या बिलाला अनुकूल आहेत; पण त्यामध्यें ज्या गोष्टी राहिल्या आहेत त्यांचा समावेश कायद्यांत करण्याची व्यवस्था सरकारनें शक्य तितक्या लवकर करावी एवढेंच माझें म्हणणें आहे. आर्थिक उन्नति व शिक्षणासाठीं सवलती या दोन गोष्टींची अत्यंत निकडीच्या हरिजनांना अत्यंत जरूरी आहे. मला या बिलाच्या पहिल्या वाचनाच्या वेळीं जर संधि मिळाली असती तर भाई डांगे यांना उत्तर दिलें असतें. ते मजुरांची एवढी तरफदारी करतात पण अस्पृश्याला कापडाच्या गिरणीमध्यें कापड खात्यांत घेतलें जात नाहीं त्याबद्दल त्यांनीं काय केलें आहे? मजूरमंत्र्यांना अशी विनंति करतों कीं ही धंद्यांतील अस्पृश्यता नष्ट करावी. जेलमध्यें क्रिमिनल (अस्पृश्य) कैद्यांना सक्तीनें भंगी काम दिलें जातें. १९४२ सालीं मी जेलमध्यें असतांना एक हरिजन शिक्षक शिक्षा होऊन तेथें आला होता. त्याला भंगीकाम दिल्यामुळें त्याचें डोकें फिरलें, वेड लागलें व त्यानें तेथें एक खून केला, त्यावेळीं जेल सुपरिंटेंडेंट त्याचें काम बदलूं शकला नाहीं. त्यानें जेल म्यानुअलकडे बोट दाखवून सांगितलें कीं यांना भंगीकामच दिलें पाहिजे. म्हणून मला या मंत्रिमंडळाला अशी विनंति करावयाची आहे कीं, हरएक क्षेत्रांतली अस्पृश्यता नष्ट करण्यासाठीं त्यांनीं कॉंक्रीट प्रोग्रॅम आखावा. मला येथें एक गोष्ट सांगावीशी वाटते ती ही कीं आज महात्मा गांधींच्या प्रेरणेमुळेंच कॉंग्रेसमंत्रिमंडळानें ह्या प्रश्नाला हात घातलेला आहे, व अशाप्रकारचीं आणखी बिलें असेंब्लीपुढें येणार आहेत व तीं जेव्हां येतील तेव्हां आम्ही जरूर पाठिंबा देऊं. ह्या बिलाचाहि अस्पृश्यांना फायदा होणार आहे अशी माझी खात्री आहे व म्हणून या बिलाच्या तिसऱ्या वाचनाला मी पाठिंबा देतों.

(Substance of the above in English.)

Untouchability is a perverted form of the good principles underlying the Varnashrama system in the Hindu religion. Unfortunately, nobody has been able to realise the far-reaching results of this evil and that is why we see untouchability perpetuated in the Hindu Religion. It was the Indian National Congress which first took up the problem and made sincere efforts for the last 25 years to remove this blot on our society. The caste Hindus have, even up to this day, been meting out most inhuman treatment to the Harijans and, therefore, the Harijans have not got an opportunity to advance educationally, financially and socially. Even in schools and Government offices these people do not get equal treatment with Hindus. The Harijans are trying their best to improve their own conditions, but unless they get special facilities in respect of education and employment they cannot come up to the level of other communities. Even in jails I have personally seen bad treatment meted out to the Harijans. While, therefore, supporting this Bill, however inadequate it may be, I request Government to come before this House with another Bill very soon giving the Harijans the remaining facilities. With these words, I support the third reading of this Bill.

श्री. नवल आनंद पाटील :

Mr. NAWAL A. PATIL, (West Khandesh, East) (Spoke in Marathi) :

अध्यक्षमहाराज : आपल्या सभागृहापुढें जें हरिजन विधेयक आलें आहें त्याला पाठिंबा देण्यासाठीं मी उभा आहे. वास्तविक या बिलाला इतर समाजाचा किती पाठिंबा आहे हें समजण्यापेक्षां ज्यांच्यासाठीं हें बिल आणलें आहे त्यांचा पाठिंबाच जास्त मिळाला पाहिजे. अस्पृश्यांवर आजें जे अन्याय होत आहेत त्यांचा विचार केला तर हें बिल म्हणजे अस्पृश्यतानिवारणाची पहिली पायरी आहे असेंच म्हणावें लागतें. या बिलानें हरिजनांवरील सर्व अन्याय दूर होतील असें मला तरी स्वप्नांतला वाटत नाहीं. या बाबतींत आणखी पुष्कळ प्रयत्न करावयास पाहिजेत. आमदार श्री. रणखांबे यांनीं सांगितलें कीं, हरिजनांच्या नालायक्या दूर करण्यासाठीं हें बिल आणलें आहे. मला असें वाटतें कीं या बिलांत नालायक्या असा जर कोठें शब्द असेल तर तो काढून टाकावा. आतांपर्यंत यां विषयावर पुष्कळ भाषणें झालीं आहेत परंतु या बाबतींत मला जो अनुभव आला आहे तो मी सांगतों अस्पृश्यांवर जे अन्याय होतात ते शहरांपेक्षां खेड्यापाड्यांत जास्त प्रमाणांत वाढलेले आढळून येतात. शहरांत सर्व लोक कामानिमित्त एकत्र येतात, सर्वांचे पोषाख सारखे असतात व त्यामुळें अस्पृश्य कोण व स्पृश्य कोण हें ओळखणें कठीण जातें व तेथें मनाच्या नाहीं तरी जनाच्या लाजेस्तव तरी अस्पृश्यता पाळली जात नाहीं.

शहरांत जर एकादा हरिजन श्रीमंत असेल तर तो मोटारींत फिरूं शकतो. त्याला वाटल्यास घोड्यावर बसून गांवभर फिरूं शकतो, परंतु खेड्यांतून लग्नासारख्या उत्सवाच्या प्रसंगींसुद्धां हरिजनांना वधुवरांची मिरवणूक घोड्यावरून काढतां येत नाहीं अशी परिस्थिति आहे. तेव्हां ही परिस्थिति पूर्णपणें सुधारावयाची असेल तर नुसता कायदा करून भागणार नाहीं. सन्माननीय सभासद श्री. वीरगौंदा पाटील यांनीं सांगितलें कीं आजचा दिवस सोन्याचा नसून इतक्या साध्या गोष्टीसाठीं आपणांला कायदा करावा लागला ही आपणां

[Mr. Naval A. Patil]

सर्वांना नामुष्कीची गोष्ट वाटली पाहिजे व आमच्या माना लाजेनें खाली घालण्याचा हा दिवस आहे. खरोखर आपण अंतःकरणापासून जितकी खटपट याबाबतींत करावयास पाहिजे तितकी केली नाहीं म्हणून शेवटचा उपाय म्हणून कायद्याचा मार्ग आपणाला अवलंबावा लागत आहे. आपण अजून खेडेगांवांत गेलों तर असे दिसून येतें कीं अस्पृश्यता नष्ट होणें तर दूरच राहिलें पण याला स्पृश्य लोक आपल्या ओट्यावर सुद्धां येऊं देत नाहींत. तेव्हां नुसतें बिल आणून कांहीं फायदा होणार नाहीं. हरिजनांसाठीं जरी शिष्टी खुल्या केल्या असल्या तरी तें लोक पाणी भरूं शकत नाहींत, कारण बहिष्कार पडण्याची भीति असते. तेव्हां अशा परिस्थितींत हरिजनांची आर्थिक स्थिति सुधारली पाहिजे; ती सुधारली म्हणजे शैक्षणिक आणि बौद्धिक प्रगति होण्यास मदत होईल व बौद्धिक सुधारणा झाली म्हणजे हरिजनांना राजकारणांत पुढें येण्यास वाव मिळेल. ह्या कायद्याप्रमाणें जर हरिजन वागूं लागले तर त्यांना कामाला कोणी बोलावणार नाहीं व त्यांच्यावर सामाजिक बहिष्कार पडेल. म्हणून ह्या कायद्याचा त्यांना व्हावा तितका उपयोग होणार नाहीं. मागासलेल्या व गरिबीनें पिडलेल्या कुठल्याहि समाजाला कायद्याचा पुरा उपभोग घेतां यावा असें वाटत असल तर त्यांची आर्थिक परिस्थिति सुधारली पाहिजे. त्याकरितां समाजसत्तावादी कार्यक्रम आखून तो अंमलांत आणला पाहिजे. सर्व मोठ्या कारखान्यांचें राष्ट्रीयकरण करावयास पाहिजे.

आमदार श्रीमती मोडक यांनीं आपल्या भाषणांत असें सांगितलें कीं, हरिजनांना नोकऱ्या देतांना ते हरिजन आहेत म्हणून जादा जागा देऊं नयें, प्रत्येकाच्या योग्यतेप्रमाणें त्याला नोकरी देण्यांत यावी. परंतु मीं ही अशी खात्री आहे कीं हरिजन काय किंवा दुसरे मागासलेले भिल्ल वगैरे लोक काय त्यांना अशा सवलती दिल्याशिवाय त्यांची उन्नति होणें शक्य नाहीं. आज आम्हीं वरच्या लोकांपेक्षां फारच मागासलेले आहोंत. आमची भाषा अशुद्ध असते, बोलतांना व लिहितांना आमच्या चुका होतात व आम्हीं वर्तनानें व मनानें कितीहि मोठे असलों तरी सध्यांच्या परिस्थितींत आम्हांला वर येण्याला वाव रहाणार नाहीं. वरच्या लोकांना पूर्वापार चांगले संस्कार लाभलेले आहेत, त्यांची आर्थिक परिस्थिति चांगली असते, तेव्हां त्याच्याबरोबर खालच्या वर्गाची तुलना करणें बरोबर होणार नाहीं. तरी ह्या गोष्टीकडे सरकारनें लक्ष द्यावें अशी विनंती करून मी ह्या बिलाला पाठिंबा देतो.

(Substance of the above in English).

Sir, I rise to support this Bill. Although this Bill is meant to improve the condition of the Harijans, I personally think that much more than this is required to be done if we really wish to bring the Harijans on the same level as caste Hindus and other advanced communities. Untouchability is a curse to the Harijans and that is felt in villages more acutely than in cities because the villagers are financially poor and they are compelled to rot in their present condition. We should really feel ashamed that Government have been compelled to bring in a Bill for removing the evil of untouchability. We ought to have done this work on our own initiative. The only solution, as far as I can see, is the improvement of the economic condition of the Harijans, which will enable them to advance in every field. For this purpose, it is very necessary that they should be given special facilities in respect of education, jobs, etc. With these words I support this Bill.

Mr. A. A. KHAN (Poona District) : Sir, on behalf of my Party, I rise to support the third reading of this Bill. I rise to support it on the principle that a crumb is better than no loaf. I refrained from taking part in the debate on the first reading for the same reasons—unfortunately the hon. Member Mr. Dange is not present—for which the Moghuls refrained from going into the question of untouchability, because, in the matter of religion of the large bulk of the Hindu community, the Moghuls did not want to interfere. I too felt that it would be much better if this Bill were discussed from the two different points of view, the point of view of the Harijan and the point of view of the non-Harijan, and that is why we did not take any part in the debate. The Hon. the Minister introduced this Bill with a rhetorical gesture, calling it the *magna charta* of the Harijans. Considering the speeches that have been delivered in the course of this debate, I think there is hardly a single person in the Harijan community who will reciprocate the sentiments which he expressed. However, it is entirely a matter between the Hon. Minister and his community. He may call it the *magna charta* of the Harijans. After all, a name does not matter. The sweet smell of the rose cannot be taken away even if it is called by some other name, nor can any flower which does not possess any smell be fragrant if it is called a rose.

While introducing the Bill, the Hon. Minister indulged in what I consider to be a dig at the Muslims by saying that even the Muslims observed untouchability. And he based his remarks on certain records which came into his possession. I am not aware of these records and I do not know what they are. But I will give him the instance of a village which is about 40 miles from Poona and 30 miles from Ahmednagar. The village is called Sirur and I believe you, Sir, know it. In the last century, for nearly 50 years, a regiment of the Muslims was stationed at that place. The followers of that regiment were all Harijans. If the Hon. Minister tries to meet those followers, he will find that they are as well dressed as the Muslims, and speak the same language and observe the same manners which the Muslims do. As far as it was possible for us to ameliorate their lot within the scheme of things, we did it. But, as I have already stated, it was a matter in which religious susceptibility was likely to be wounded and, therefore, we proceeded in this matter as far as possible cautiously. Let the Hon. Minister look up the records of the various regiments in this province and he will find that a Harijan Subedar or Risaldar was not tolerated by others but he was accepted only by the Muslim regiments. That, I think, ought to suffice for the purpose of convincing the Hon. Minister that so far as the Muslims are concerned, they do not subscribe to the principle of untouchability. If, however, some more arguments are necessary in order to convince him, let me tell him that a person who is ordinarily styled as a sweeper or a *bhangi* is not styled so by the Muslims. We divide humanity into two classes only—those who earn their livelihood legitimately, that is, *halalkhors* and others, and a *bhangi* is known as a *halalkhor*. In northern India, no sweeper is addressed as a *bhangi* ; he is always addressed as a *halalkhor*.

Sir, the question of untouchability is a question of status. In the beginning of human society, occupational distribution of humanity brought about status and I believe that that is what is referred to in the well known passage in the Holy Bhagavad Gita beginning with " चातुर्वर्ण्यं मया सृष्टं गुणकर्मविभागशः । तस्य कर्तारमपि मां विद्ध्यकर्तारमव्ययम् ॥ " It means : " The four castes were emanated by Me by the different distribution of qualities and actions ; know Me to be the author of them."

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Let me remind my Hindu brothers that two verses earlier, the author of the holybook says, "However men approach Me, even so do I welcome them, for the path men take from every side is Mine, O Partha". That principle was probably forgotten. The distribution based upon an economic principle came to be regarded as a distribution based upon birth, and the result is that today the Harijan is occupying a position about which I need not say anything. The Harijans have suffered enough.

Sir, speaking for myself, I do not consider this Bill to be a very adequate measure. If I had been in charge of drafting this Bill, I would not have drafted it as it has been drafted. The preamble of the Bill reads like this—

"Whereas it is expedient to provide for the removal of certain social disabilities of Harijans; It is hereby enacted as follows:

I would have said "Whereas it is expedient to provide for the removal of certain social disabilities"; I would have stopped there. I would not have confined it to Harijans. Then in the definition clause I would have omitted clauses (*a*) and (*b*) which relate to Harijans and Hindus respectively. And in the third clause, which is supposed to be the corner stone of the liberty and freedom of the Harijans, it is stated "Notwithstanding anything contained in any instrument or any law, custom or usage to the contrary, no Harijan shall merely on the ground that he is a Harijan" etc. Instead of this, I would have stated "Notwithstanding anything contained in any instrument or any law, custom or usage to the contrary, no citizen shall merely on social grounds be ineligible", etc. The Bill ought to have gone on the statute book without being a blot on the statute book, without being a constant reminder to the generations to come that at one time, a certain section of humanity in Hindu society was treated worse than cattle. However, it was for the Hon. Minister to draft the Bill in the way he liked, and, as I have already stated, even a crumb is better than no loaf at all.

I have heard speeches on both sides of the House. The speeches of the section which I call non-Harijan had been at pains to point out the various efforts which were made by the eminent leaders in this country and by themselves to remove the disabilities of the Harijans. One of the hon. Members went to the length of saying that his own mother excommunicated him because he wanted to remove the disabilities of the Harijans. On the other hand, the Harijan is not satisfied with the provisions of this Bill. My advice to him would be "Like Oliver Twist let him take what he can get and continue to ask for more and more", and, in this way, he would be able to get his inherent rights. After all, God helps those who help themselves. If they rely upon the efforts of the section on the other side of the House, however well-meaning and well-minded it may be, the day of their emancipation will be postponed, if not by generations, at least by years. One of the hon. Members thought that in about ten years' time untouchability would be liquidated altogether. Whatever the period of time that may be required, I tell my Harijan brothers that it is up to them to agitate for more and more, and if they go on agitating they will get their inherent rights and will get them within less than ten years. So long as the Harijan was content to say "Suffering is the badge of all our tribe" nobody cared to improve his lot; but the moment he became conscious of his inherent rights and the moment he began to say, to quote the famous words of Shakespeare, "I am a Harijan. Hath not a Harijan eyes? Hath not a Harijan nose? Hath not a Harijan hands, organs, dimensions, senses, affections, passions? Fed with the same food, hurt with the same weapons, subject to the same diseases, healed by the same means, warmed and cooled by the same winter and summer as

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a non-Harijan is ?" efforts began to be made for ameliorating his lot. The moment the Harijan started making his position felt, some well-meaning people came to his help; but let him not forget that everything depends upon his own efforts. If he does not help himself, nobody will be able to help him. Sir, we are told that freedom means four freedoms—freedom of speech, freedom from want, freedom of religion, and freedom from fear. The question is how far the Harijan has been given freedom. I do not wish to say much about the subject which will very soon be discussed in this House with regard to what this *magna carta* is going to amount to in the lives of the Harijans. Precisely at the time when we were discussing this Bill, precisely, if I am not mistaken, at the time when the hon. Member Mr. Mane was pointing out to the House the inadequacy of the various provisions of this Bill, the Harijans in this very district have been deprived of one of these four freedoms, or probably all the four freedoms. However, as I said, I do not wish to speak much about it; when the time comes we shall come out with what we have to say about it. At the present moment, I consider that this Bill is a step in the right direction, though only a step. Probably it marks the half-a-furlong stone in a journey which may consist of several miles altogether, and as such I and my Party have great pleasure in supporting it.

SARDAR MANSINHJI BHASAHEB (Thakor of Kervada): On behalf of the two landlords in this House, I rise to support the third reading of the Bombay Harijan (Removal of Social Disabilities) Bill. Legislation after legislation is passed in this House in such quick succession that I seem to catch their third readings only. However, this Bill is a very good measure, and is in the right direction. We extend our fullest support to it and congratulate the Hon. Minister on having introduced it in this House. It would have been more appropriate if it had been introduced by another Hon. Minister not belonging to the Harijan class. However, as it has been introduced already, we extend our fullest support to it.

This bill reminds me of a friend's remarks to me about the Hindu society in general. He asked me how the Hindu society or the nation can advance when ten crores of the population are just doing nothing but cleaning latrines. Those days are now gone; the old order has changed; and we have entered into a new era today. The old classification of the Hindu society into Brahmins, Kshatriyas, Vaisyas, and Sudhras has been knocked on its head today, and we are proud to be in this Assembly. About thirty years ago, when I was in the High School, I had a very able teacher who spoke on the classification of the Hindu society, and I spent an hour in explaining to the young minds the scientific theory of the aura and emanation of the body. The Harijans were stamped to have bad aura and emanation from their bodies, and as such they were treated as untouchables. This scientific theory has also been knocked out today. However, when we go into the districts—I am speaking of the Gujarat districts—we still find that there are at least two if not three wells in each village, one belonging to the Bhangis and the other belonging to the Dheds. There is no separate well for the Chamars. And we find that when water is drawn from the common well, the high-caste ladies of the village draw their water first, and only after they have drawn their water can the low-caste ladies draw their water. If by any chance the low-caste ladies spill water on the pots of the high-caste ladies, they will not tolerate it. Again, in the village schools the Chamar boys are asked to sit outside in the verandah, when the teacher with the high-caste boys and

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girls sits inside. I do not know what the Chambar boys can learn by remaining outside, though they learn very little even by remaining inside. These things exist even now and require to be remedied as quickly as possible. I do not know whether this Bill provides for the removal of these inequalities. I have not been able to study the provisions of the Bill as I was busy with the Bill which has preceded it, namely, the Tenancy legislation. However, access to places of public amusement, to places of public entertainment and to public conveyances has been given to the Harijans as a matter of right. It remains to be seen whether a Harijan will be allowed to enter a Mamlatdar's *kutcheri* for a personal talk with the Mamlatdar. Although the Hon. Minister for Revenue stands by the Mamlatdar, I am not sure whether the Mamlatdar will talk to a Harijan on terms of equality. Such things require to be remedied, and, therefore, the legislation should have been made more comprehensive. The Harijans should have a right to go to all places to which the general public have access. I do not know whether this Bill gives to the Harijans the right to go to the Mamlatdar's *kutchèri*. They should not be refused entry into an office or *kutcheri*. However, I must sound a note of warning to my Harijan friends. So far, they have themselves been possessed of an inferiority complex. I have had the pleasure of working with two Harijan officers, and I found that one of them who had gone to other countries and received education in foreign universities was very outspoken and free. He had no complex of inferiority whatsoever. But there was another officer belonging to the Harijan class who always had a grievance and who always felt that all other officers, some of them Brahmins, were against him. This sort of inferiority complex can carry a man no further; he cannot be happy, he cannot prosper. Therefore, this inferiority complex must be got rid of first. This should be the foundation of reform, and should form the basis of the Bill.

Then the term "Harijan", as coined by Mahatma Gandhi, is very comprehensive. It includes Dhed, Chambar and Bhangi. In Gujarat, even amongst these three castes there is a lot of distinction amongst themselves. A Bhangi is treated by a Chambar as an untouchable and a Chambar in his turn is treated by the Dhed as an untouchable. So, this is another point: they must abolish all these distinctions existing at present amongst them before they can claim to sit on an equal status with other communities.

Then I should like to point out that laws are being passed in this House without taking up in hand corresponding legislation. For example, Mrs. Munshi's Bigamous Marriage Bill, which was later on introduced by Government, should have been simultaneously brought with the law of divorce. So also I consider the present Bill as piecemeal legislation. It must strike at the root of all distinctions existing in the community.

What I am suggesting is that you must modernise the whole society. Let us see the village life. The Harijans have to carry on their professions so long as the village life is not changed and it is these detestable professions which are responsible for untouchability. I do not mean to say that it would be possible to have bath rooms and the flush system in the villages but some such method should be found so that these people will be free from their dirty professions. I think this reform must be dependent upon the modernisation of villages for its success.

I am reminded in this connection of a story which my Muslim brothers will corroborate. The Prophet once visited a village and when he saw

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the poverty of the people he prayed to God to make them rich. Immediately all the people of the village became rich. The time came when the Prophet wanted to leave the place and he could not find a man to carry his bag and baggage, because all people had become rich.

So, what I would urge is that before legislation can be effective you must first modernise the Harijans and give them better conditions. This is my friendly advice. With these remarks, which are not a criticism but suggestions, I support the third reading of the Bill.

Mr. VAIKUNTH L. MEHTA (Minister for Finance): Sir, I feel that it is a proud day for me to be able to participate in this debate on the third reading of a Bill which is intended to remove the social disabilities which prevail among certain sections of the community. I feel that it is a proud day for me because in a humble manner I have been connected with the work of economic organisation of Harijans at least for the last 30 years of my life. A great deal has been said on the need for the improvement of the economic conditions of this depressed section of our society. And I feel, Sir, that this piece of legislation is to be welcomed, because it will remove certain disabilities which also stand in the way of the economic organisation of this unfortunate section of our society. I should like, therefore, to speak more of this aspect of the problem before us than about the other aspects.

I am afraid, Sir, I am a very poor student of religions—of either the Hindu religion or the Mohammadan religion or of Christianity. But I feel, and that is what has been pointed out by several speakers, that in the matter of observing inequalities in society we are all equal sinners and that all of us, whether Hindus or other sections, have strayed away from the paths that our Prophets and Seers chalked out for us. It is a proud day for us when we, the humble followers of one of the great religions of the world, are enabled by the teachings of a new great man amongst us to see something of that light and we are enabled to go back to the path from which we appeared to have strayed. That is a point of view, Sir, from which I look at this little piece of legislation. It enables us to put ourselves right in the eyes of the community in general. It is not my claim, nor has it been the claim of my hon. Colleague who has introduced this measure, that it is a perfect piece of legislation or that it goes far enough. It represents a step and an important step, and, quoting the line of an English poet, I feel also that one step is enough for me—if I may add so, for the time being.

[*Recess from 3-30 p.m. to 4 p.m.*]

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